

# Exhibit

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**Tim Hogan**

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**From:** Robert Penchina [RPenchina@lkslaw.com]  
**Sent:** Wednesday, February 27, 2008 9:36 AM  
**To:** Tim Hogan; Michael Baumann; Christopher Beall; Erin Brady; Cheryl R. Brawley; Andrew P. DeNatale; Wesley Ichida; Christopher M. Mason; Jonathan Moskin; Richard Wynne  
**Subject:** RE: Berry v. Deutsche Bank Discovery

Mr. Hogan-

Your proposal is acceptable to me provided that you circulate to all on this email a copy of your communication with Ms. Brawley's firm. I am speaking only on behalf of GECC, and do not know whether the proposal is acceptable to any of the other defendants. Thank you for your cooperation on this issue.

-----Original Message-----

From: Tim Hogan [mailto:tjh@timhogan.com]  
Sent: Wednesday, February 27, 2008 2:26 PM  
To: Michael Baumann; Christopher Beall; Erin Brady; Cheryl R. Brawley; Andrew P. DeNatale; Wesley Ichida; Christopher M. Mason; Jonathan Moskin; Richard Wynne; Robert Penchina  
Subject: Berry v. Deutsche Bank Discovery

Dear Counsel,

I have gone back through my notes regarding our conferences with Judge Pauley related to Mr Pencina's objection to my discovery. Rather than risk proceeding in face of the objection, and defering to Mr Penchina I will refrain from serving the Central Pacific Bank Subpeona and request that Ms. Brawley's firm delay compliance with my Subpeona until the matter is resolved. Can counsel please advise me if this would be acceptable. I would prefer to not have to withdraw the Brawley's & Assoc. subpeona but will if requested.

Thank you,

Tim Hogan

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Timothy J. Hogan  
Sent via Windows Mobile